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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|---------------------------|---------------------|------------------|
| 10/662,932 | 09/15/2003 | Syed Mohammad Amir Husain | 5602-11600 | 2035 |
| 7590 09/04/2008 | | | | |
| Jeffrey C. Hood Meyertons, Hood, Kivlin, Kowert & Goetzel P.O. Box 398 Austin, TX 78767 | | | | |
| EXAMINER | | | | |
| ZHE, MENG YAO | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2195 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 09/04/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/662,932

Applicant(s)

HUSAIN ET AL.

Examiner

MENGYAO ZHE

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-21 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 7-10, 14-17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowry et al., Patent No. US 6,772,206, 8/3/2004 (hereafter Lowry) in view of Ferguson, Patent No. 5,815,793 (hereafter Ferguson).

4. Lowry was cited in the last office action.

5. As per claims 1, 8, and 15, Lowry substantially teaches the invention as claimed including a method for performing a task using a plurality of applications in a networked computer environment (Col 1, lines 17-19, 28-34), the method comprising:

sending instructions for performing the task from a first computer system to a plurality of remote computer systems, and wherein the instructions for performing the task comprise a plurality of messages in a portable format, and wherein the portable format comprises a cross-platform format readable by the first computer system and the plurality of remote computer systems (Col 1, lines 34-42, 58-63; Col 3, lines 43-44; Col 4, lines 7-12, 16-24);

translating the instructions for performing the task from the portable format to an executable format at the one or more remote computer systems, thereby generating executable instructions for performing the plurality of subtasks (Col 1, lines 34-37; Col 4, lines 42-64; Col 9, lines 66-Col 10, line 4);

executing the executable instructions to perform the subtasks comprising the task (Col 3, lines 39-46).

Lowry teaches a task from a client system may be sent to any servers connected on the client network for processing (Fig 2; Column 3, lines 47-67). But Lowry does not specifically teach wherein the task comprises a plurality of subtasks, wherein the instruction for performing the task comprise instructions for performing a respective one of the subtasks by executing a respective one of the plurality of applications on a respective one of each of the plurality of remote computer systems.

However, Ferguson teaches dividing a task into a plurality of subtasks and distributing these subtasks to various remote computer systems for processing (Column

10, lines 20-30) for the purpose of employing multiple computer nodes on a network to process a single task that has been partitioned.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention to modify the teachings of Lowry where multiple computers on a network may process one another's tasks with partitioning the task into a plurality of subtasks and distributing these subtasks to all the computer nodes on the network for processing, as taught by Ferguson, because it allows multiple computers on a network to process a single task that has been partitioned.

6. As per claims 2, 9, and 16, Lowry teaches wherein the instructions are sent to the one or more remote computer systems (units 38, 40 of Fig 2) via a distributed computing infrastructure (unit 30 of Fig 2, Fig3, Col 3, lines 60-67).

7. As per claims 3, 10, and 17, Lowry teaches wherein the instructions are translated from the portable format to the executable form by a distributed computing infrastructure (Col 4, lines 7-20, lines 42-44; Fig 4).

8. As per claims 7, 14, and 21, Lowry teaches wherein the portable format comprises XML (Column 9, lines 24-26; Column 9, line 66-Column 10, line 4).

9. Claims 4, 6, 11, 13, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowry et al., Patent No. US 6,772,206, 8/3/2004 (hereafter Lowry) in view of in view of Ferguson, Patent No. 5,815,793 (hereafter Ferguson) further in view of Tso et al. Patent No. US 6,247,050, 6/12/2001 (hereafter Tso).

10. Tso was cited in the last office action.

11. As per claims 4, 11, and 18, Lowry does not teach wherein the messages are sent from the first computer system to the one or more remote computer systems using unicast peer-to-peer messaging.

However, Tso teaches using unicast peer-to-peer for the purpose of transferring information (Column 9, lines 30-45).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention to have modified the invention of Lowry with the messages are sent from the first computer system to the one or more remote computer systems using unicast peer-to-peer messaging, as taught by Tso, because it allows information to be transferred.

12. As per claims 6, 13, and 20, Tso teaches wherein the messages are sent from the first computer system to the one or more remote computer systems using broadcast peer-to-peer messaging (Column 9, lines 27-43).

13. Claims 5, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowry et al., Patent No. US 6,772,206, 8/3/2004 (hereafter Lowry) in view of in view of Ferguson, Patent No. 5,815,793 (hereafter Ferguson) further in view of Chen et al., Patent No. 5,831,975, 11/3/1998 (hereafter Chen).

14. Chen was cited in the last office action.

15. As per claims 5, 12, and 19, Lowry does not specifically teach wherein the messages are sent from the first computer system to the one or more remote computer systems using multicast peer-to-peer messaging.

However, Chen teaches using multicast peer-to-peer messaging for the purpose of communicating between computers (Abstract, lines 1-2, 10-12, and 14-17).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention to have modified the invention of Lowry with the messages are sent from the first computer system to the one or more remote computer systems using multicast peer-to-peer messaging, as taught by Chen, because it allows for communication between computers.

Response to Arguments

16. Applicant's arguments filed on 5/20/2008 have been fully considered but are not persuasive.

17. In the remark, the applicant argued that:

- i) Lowry does not teach instructions for performing a task are sent from a first computer system to a plurality of remote computer systems.
 - ii) Ferguson does not teach executing a respective one of the plurality of applications on a respective one of each of the plurality of remote computer systems.
18. The Examiner respectfully disagree with the applicant. As to point:
- i) Lowry does teach that API calls are used by a system to communicate with multiple systems (Column 1, lines 40-47; Column 2, lines 64-66). Therefore, a system can communicate to a plurality of systems via API calls, where the calls correspond to instructions (Column 3, lines 38-45). Furthermore, Lowry discloses that multiple systems can subscribe to an event, so that when an event or request is received by one system, it is sent to multiple remote systems (Column 5, lines 55-60; Column 6, lines 10-17). Even though the remote system has its own handler handling the event, the event, nonetheless, corresponds to an instruction for performing a task since it is the event that initializes or triggers other system handler responses, which are all essential steps in performing a task. The event is essentially a notification instruction saying "process request X somehow", which is sent to other systems. However the other systems wish to process the event is up to those systems, but without the instruction of "now, process request X", the other systems would not know to handle the request. Therefore, the event or request is part of the instructions for performing a task.

ii) Ferguson teaches that different application may be present on each system, such as video viewing, electronic programming, etc in state two of the system (Column 3, lines 19-25; Column 8, lines 6-15). Even if, as the applicant argued, that in state one, all applications are the same, there are still a plurality of applications, regardless of whether they are the same application or not, that are being employed on multiple computers to execute subtasks (Column 3, lines 23-25). Furthermore, as for the record, Lowry does teach a plurality of applications executing on a plurality of computers (Column 1, lines 28-35; Column 3, lines 27-35, lines 50-55).

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MENGYAO ZHE whose telephone number is (571)272-6946. The examiner can normally be reached on Monday Through Friday, 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Li B. Zhen/
Primary Examiner, Art Unit 2194